

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ME2 PRODUCTIONS, INC.,

Plaintiff,

v.

MADALYNN ALEXANDER, an individual;
JAMES STEWART, an individual;
ANNA TYSELING, an individual;
KYLE FELLERS, an individual;
DMITRIY MIRONENKO, an individual;
ARTHUR DYACHK, and individual;
ARIELLE RADELET, an individual;
LEXUS VANG, an individual;
MARIA NARANJO, an individual; and
MICHAEL ORME, an individual,

Defendants.

Civil Action No. 17-cv-1221RSL

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report and Discovery Plan in response to the Court's November 9, 2017 Order. (Dkt. 41).

1. Statement of the Nature and Complexity of the Case

Plaintiff alleges it is a developer and producer of the motion picture *Mechanic: Resurrection* ("motion picture"). Plaintiff brought this action allegedly to stop Defendant and others from copying and distributing to others unauthorized copies of Plaintiff's copyrighted

1 motion picture through the BitTorrent file sharing protocol. Plaintiff has accused Defendant of
 2 infringement of Plaintiff's exclusive rights protected under 17 U.S.C. § 101 et seq. Defendant is
 3 the sole remaining party from the original group of Does in this case. Defendant has answered and
 4 denied Plaintiff's claims and allegations.

5
 6 **2. Deadline for Joining Additional Parties**

7 The parties propose that additional parties be joined by March 5, 2018.

8 **3. Referral to Magistrate Judge**

9 The Parties do not consent to referral of this matter to a full-time magistrate judge.

10 **4. The existence of any related cases pending in this or other jurisdictions and a proposal**
 11 **for how to handle them**

12 The parties are not aware of any related cases, apart from what has been previously noted
 13 in the pleadings of record, including previously dismissed Case No. 17-cv-694RSL.

14 **5. FRCP 26(a)(1) initial disclosures**

15 Plaintiff timely served its initial disclosures on November 22, 2017.

16 Defendant will serve his initial disclosures by Friday, December 15, 2017.

17 **6. Timing or form of expert and pretrial disclosures under FRCP 26(a)(2)-(4)**

18 The parties do not propose any changes.

19 **7. Subjects, timing and potential phasing of discovery**

20 Without waiving any objections to the relevance or admissibility of information and
 21 documents implicated by the description of topics, Plaintiff believes that the subject matter of its
 22 discovery may include the following:
 23

- 24 • Copyright application and registration materials and any assignments or transfers
 25 of copyright ownership

- Correspondence and other documents relating to communications between the parties
- Computer hardware and router used with IP address, or information pertaining to its spoliation
- Identification of individuals given access to the IP address during the relevant period(s) of time
- Claims asserted and defenses raised by the parties
- Damages

Plaintiff does not believe that discovery should be conducted in phases or be limited to or focused upon particular issues.

Plaintiff believes that a Protective Order under FRCP 26(c) or comparable agreement may be required to limit the disclosure of confidential, commercially sensitive information and documents such as financial and customer records.

The parties will work together to minimize discovery disputes. Parties have agreed to service via email, with response dates extended by three days per FRCP 6. The agreement on email service provides an alternative acceptable form of service in addition to the other traditional forms of service (e.g., mail, hand delivery) that are provided for under the Rules. Should any email with attachments exceed 10 MB in size, the Parties have agreed to either (a) divide the attachments into separate emails of no more than 10 MB each, or (b) serve using one of the other traditional forms of service.

8. Preservation of discoverable information

The parties have discussed the need to preserve discoverable information.

9. Electronically stored information (“ESI”)

The Parties agree to abide by the Court’s Model Protocol for discovery of ESI.

1 **10. Privilege issues**

2 Plaintiff does not believe that privilege logs should be exchanged for any claimed privilege
3 materials created after commencement of the lawsuit.

4 **11. Inadvertent disclosure of privileged information**

5 The Parties agree that any privileged document(s) that is/are inadvertently sent by one party
6 to the opposing party will be promptly destroyed by the party receiving the privileged document(s)
7 or promptly returned to the sending party upon notice and request of the sending party and that the
8 receiving party will not use any of the privileged information contained in said document(s) in any
9 way.

10 **12. Changes to limitations on discovery**

11 The parties do not anticipate that discovery will be overly burdensome on either party and,
12 therefore, do not have any proposed limitations on discovery at this time. Accordingly, the Parties
13 intend to abide by the limitations and procedures for discovery set forth in the Federal Rules of
14 Civil Procedure.

15 **13. Date for completion of discovery**

16 The parties believe that fact discovery can be completed by September 21, 2018.

17 **14. Suggestions for the prompt and efficient resolution of the case**

18 The parties believe that early ADR would be most effective.

19 **15. Alternative dispute resolution**

20 The parties believe that mediation is the preferred ADR method.

21 **16. Ready for trial**

22 The parties believe that the case will be ready for trial February 2019.



17. **Trial by jury**

A jury trial has been requested.

18. **Number of trial days required**

The parties anticipate that trial on this matter will require 2-3 court days.

19. **Disclosure statements**

Plaintiff filed its FRCP 7.1 and LCR 7.1 statement on August 11, 2017. (Dkt. 4)

DATED December 11, 2017.

s/ David A. Lowe, WSBA No. 24,453

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